IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4715 OF 2006

Shri Sanjay Shankar Puppal .. Petitioner.
Vs.
Shri Bhagwan Manikrao Jadhav & Anr. .. Respondents.

Mr.S.S.Shah for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 29TH AUGUST, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. The petitioner has impugned the order dated 2nd March, 2006 passed by the trial Court rejecting the application at Exhibit-90 filed by the plaintiff seeking appointment of the Commissioner for carrying out the measurement of the land in dispute. The trial Court has rejected the application holding that the petitioner is seeking appointment of the Commissioner to collect evidence and to fill up lacuna in his case. For the reasons recorded in the order, I do not see any reason to exercise the writ jurisdiction under Article 227 of the Constitution of India and interfere with the order impugned in the present writ petition. The order passed by the court below, in my opinion, is just and proper. The writ petition is, accordingly,

dismissed. This shall, however, not preclude the petitioner from approaching the concerned authority for carrying out the measurement of the land in dispute privately. However, the petitioner shall not seek adjournment before the trial Court on that ground and the trial Court need not stay the proceedings for enabling the petitioner to approach the concerned authority for measurement of the land. The writ petition is disposed of.

(D.B.Bhosale, J.)